

Appl. No. 10/533,001  
Amdt. dated April 25, 2008  
Reply to Office action of Dec. 27, 2007

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figs. 2, 3, 4, 5a, 5b and 7. These sheets replace the original corresponding sheets. Applicants attach appropriate marked-up drawing sheets which show their proposed corrections in red.

Also, the Applicants propose to correct FIGs. 2 and 3, as shown in red, to insert reference numerals 51 and 61 at leveller positions B and C in FIG. 2 (as they already exist in position A in this figure) and similarly for reference numeral 61 in FIG. 3. Further, the Applicants also propose to correct FIG. 2 to insert the words "PRIOR ART" inasmuch as this figure depicts a conventional dock leveller, though in three different positions. Lastly, the Applicants, to confirm FIG. 4 to the specification on pages 7, line 13 through page 8, line 12, propose to insert reference numerals 51 and 62 into this figure.

Attachment:      Replacement Sheet  
                    Annotated Sheet Showing Changes

**REMARKS**

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application is obvious under the provisions of 35 USC § 103. Furthermore, the Applicants also submit that all of these claims now satisfy the requirements of 35 USC § 112. Thus, the Applicants believe that all of these claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues requiring adverse action in any of the claims now pending in the application, the Examiner should telephone Mr. Peter L. Michaelson, Esq. at (732) 542-7800 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Drawings

The Examiner objected to the drawings, as filed, owing to minor errors related to various reference numerals. Specifically, the Examiner stated that each of reference numerals "51" and "52" apparently designates two different elements in FIGs. 2, 3, 5a and 7; two different reference numerals "63" and "83" designate the same element in Fig. 5b; and reference numeral "831" noted in the specification does not appear in the drawings.

In response, the Applicants now enclose appropriate marked-up drawing sheets for FIGs. 5a, 5b and 7 which show their proposed correction of these minor errors in red.

Also, the Applicants propose to correct FIGs. 2 and 3, as shown in red, to insert reference numerals 51 and 61 at leveller positions B and C in FIG. 2 (as they already exist in position A in this figure) and similarly for reference numeral 61 in FIG. 3. Further, the Applicants also propose to correct FIG. 2 to insert the words "PRIOR ART" inasmuch as this figure depicts a conventional dock leveller, though in three different positions. Lastly, the Applicants, to confirm FIG. 4 to the specification on pages 7, line 13 through page 8, line 12, propose to insert reference numerals 51 and 62 into this figure.

To facilitate all these minor corrections and expedite prosecution, the Applicants have also enclosed appropriate substitute formal drawing sheets for all these figures which incorporate all the proposed corrections.

#### Specification objections and amendments

A substitute specification is submitted herewith. The substitute specification introduces no new matter into the application. Moreover, in accordance with the provisions of M.P.E.P. Section 608.01(q), the Applicant has also enclosed a "marked-up" copy of the specification. The substitute specification contains the same changes that are shown in the marked-up copy of the specification.

The Examiner objected to the specification, as filed, owing to various informalities. Specifically, the Examiner pointed to inadvertently duplicated reference numerals used to designate different elements. The Examiner also requested the Applicants to insert, in paragraph 34 of the specification,

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English units of measure after the metric units which have been provided.

In response, various amendments have been made to the specification to correct minor inadvertent grammatical, punctuation and formal errors -- including all those noted by the Examiner, and to insert both missing section headings and the English units of measure.

The Applicants have also amended the specification to conform to the new reference numerals 511 and 522 which now appear in the corrected version of FIG. 5a.

#### Status of claims

To expedite prosecution of the claims, the Applicants, rather than re-writing their claims 1-15 to include numerous changes, have canceled those claims and substituted new claims 16-31 there for.

The new claims have been drafted to overcome the various objections and rejections under 35 USC § 112, and to conform to the dictates of proper US claim practice. Furthermore, new independent claim 16 is formed of the substantive limitations of prior claims 1 and 2, and from which all the other claims (17-31) depend.

The following table shows the correspondence between the immediately prior claims and those now pending.

Present Claim	Prior Claim	Present Claim	Prior Claim	Present Claim	Prior Claim
16	1+2	22	8	28	12
17	3	23	9	29	13
18	4	24	9	30	14
19	5	25	9	31	15
20	6	26	10		
21	7	27	11		

#### Allowable Subject Matter

The Examiner has indicated that claims 2, 10 and 11 would be allowable if rewritten to overcome the rejections under 35 USC § 112 and to include all the limitations to the base and all intervening claims.

In response and as noted immediately above, the Applicants have now combined the substantive limitations, though appropriately rewritten as needed, of prior claims 1 and 2 to form new independent claim 16. Further, all the informalities noted in prior claim 1 have been properly remedied in claim 16. Hence, claim 16 is now allowable.

Given that all the other claims now pending in the application depend from claim 16, all these claims are similarly allowable as well.

#### Objections

The Examiner has objected to prior claims 1, 7, 8 and 9 due to various deficiencies. Inasmuch as all these claims have

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been canceled, these objections are moot. Nevertheless, to expedite prosecution, these objections will be discussed with respect to the appropriate new corresponding claims.

First, the Examiner states that the limitation in prior claim 1 of "pivotable relative to a position in line with the deck upper surface, both one side and the other side" is unclear. Claim 16, recites, in pertinent part and as the Examiner suggests "is pivotable above and below a position in line with the deck upper surface".

Second, the Examiner stated that each reference to the term "surface" in claims 7 and 8 was vague inasmuch as it was uncertain as to which specific surface was being referenced. Each of new corresponding claims 21 and 22 recites the "lip upper surface".

Lastly, the Examiner objected to claim 9 which improperly referenced other prior claims in its chain of dependency by the phrase "claim 6, and optionally 7 or 8". Each of new corresponding claims 23-25 only refer to a single prior claim, i.e., claims 23, 24 and 25 respectively reference claims 22, 20 and 21.

Accordingly, all these objections should now be withdrawn.

Rejections

A. Rejections under 35 USC § 112

1. Claims 2, 10 and 11

The Examiner rejected prior claims 2, 10 and 11 under the provisions of the second paragraph of 35 USC § 112 as being incomplete. Specifically, the Examiner takes the position that these claims do not sufficiently recite the structural cooperative relationship or functions that are performed by: keeping the lip upper surface at a fixed angle with respect to the platform (as recited in claim 2), having the maximum overall pivoting range of the lip on the order of 14 degrees (as recited in claim 10), and having the deck plate in operative position at an angle of at most 7 degrees with the platform (as recited in claim 11). The Examiner has suggested that the Applicants amend these claims consistent with paragraphs 24, 25 and 27 of the specification.

Inasmuch as all these claims have been canceled, this rejection is moot. Nevertheless, to expedite prosecution, these objections will be discussed with respect to and in the context of new corresponding claims 16, 26 and 27, respectively. In that context, this rejection is respectfully traversed.

New claim 16, which incorporates substantive limitations of claim 2, recites that a transmission member, which couples pivotal movement of the deck plate to pivotal movement of the lip, and the deck plate itself are arranged in a parallelogram construction (as described in paragraph 27 of the specification). This arrangement is particularly apparent in the

simplified drawing shown in FIGs. 3 and 4. In this arrangement and as shown, deck upper surface 51 and transmission member 87 (the latter being expressly shown in FIG. 4, but shown in a simplified fashion as a dot-dashed line in FIG. 3) are oriented substantially parallel to each other. This occurs by virtue, at one end of deck plate 5, of pivot 71, which connects to the transmission member, being spaced vertically below hinge 7 which itself connects to an edge of deck plate 5. At the other end of deck plate 5, rod 88, which forms part of transmission member 87, connects, via pivot 88 and through flange 84 and member 85 -- which form part of lip hinge 8, with lip 6. The location of pivot 88 is at a comparable distance below lip 6 as pivot 71 is below the edge of deck plate 5. As a result of the parallelogram formed of the transmission member, the deck plate and the comparable distances between the pivotal couplings between these two elements, when either of these elements rotatably moves up or down, the other does so in unison such that both elements remain substantially parallel to each other. Consequently, an angle between these two elements remains essentially fixed throughout this movement. Claim 16 expressly recites this parallelogram arrangement, by stating in pertinent part:

*"a transmission member for coupling a pivotal movement of the deck plate to a pivotal movement of the lip, the transmission element and the deck plate constituting a parallelogram construction such that the transmission member maintains the lip upper surface at a substantially fixed angle with respect to the platform". [emphasis added].*

Thus, claim 16 incorporates the structural cooperative relationship which the Examiner believed to have been missing from claim 2. Similarly, new claims 26 and 27 suitably make explicit reference to this arrangement as well as the source of the angular limitations recited in those claims.



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Consequently, new claims 16, 26 and 27 fully comply with the requirements of the second paragraph of 35 USC § 112.

Hence, this rejection should now be withdrawn.

## 2. Claims 12 and 13

The Examiner rejected prior claims 12 and 13 under the provisions of the second paragraph of 35 USC § 112 as being indefinite. Specifically, the Examiner stated that the phrase "for instance", which appeared in claim 12 (and from which claim 13 depended), renders each of these claims indefinite as it is not clear whether the limitations following the phrase are part of the claimed invention or not.

Inasmuch as all these claims have been canceled, this rejection is moot. New claim 28 (which corresponds to prior claim 12), from which claim 29 depends (this claim corresponding to prior claim 13), does not include the phrase "for instance".

Accordingly, this rejection should also now be withdrawn.

## B. Rejections under 35 USC § 103

The Examiner rejected prior claims 1, 12, 14 and 15 under the provisions of 35 USC § 103 as being obvious over the teachings of the '913 DiSieno et al patent (United States patent 6,163,913 issued to T. M. DiSieno et al on December 26, 2000) taken in view of those in the '436 French patent (French patent 1,487,436).

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Further, the Examiner rejected prior claims 1, 3-5, 12 and 13 under the provisions of 35 USC § 103 as being obvious over the teachings of the '778 Merrick et al patent (United States patent 3,475,778 issued to J. A. Merrick et al on November 4, 1969) taken in view of those in the '436 French patent.

Additionally, the Examiner rejected prior dependent claims 6-8 under the provisions of 35 USC § 103 as being obvious over the teachings of the '778 Merrick et al patent taken in view of those in the '436 French patent as applied to claim 1 and further in view of the teachings of the '391 Muhl et al patent (United States patent 7,216,391 issued to T. Muhl et al on May 15, 2007).

Lastly, the Examiner rejected prior dependent claim 9 under the provisions of 35 USC § 103 as being obvious over the teachings of the '778 Merrick et al patent taken in view of those in the '436 French and the '391 Muhl et al patents as applied to claims 6-8 and further in view of the teachings in the '790 Berends patent application (European patent application EP 1,264,790).

Given the amendments made above, specifically combining the substantive limitations of claims 1 and 2 into new independent claim 16 with all remaining pending claims being dependent therefrom, this rejection is moot with no further discussion being warranted.

Hence, all these rejections should now be withdrawn.

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Conclusion

Thus, the Applicants submit that none of the claims, presently in the application, is obvious under the provisions of 35 USC § 103. Furthermore, the Applicants also submit that all of these claims now fully satisfy the requirements of 35 USC § 112.

Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

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**CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited on **April 25, 2008** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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